

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRAD AMOS,)	
)	Case No. 3:21-cv-00923
Plaintiff,)	
)	District Judge Richardson
v.)	
)	Magistrate Judge Holmes
THE LAMPO GROUP, LLC,)	
)	Jury Demand
Defendant.)	

**DEFENDANT’S MOTION TO REVIEW
NON-DISPOSITIVE ORDER BY MAGISTRATE JUDGE**

Defendant, The Lampo Group, LLC, (“Lampo”) pursuant to Rule 72 of the Federal Rules of Civil Procedure and Local Rule 72.01, moves the Court to review a portion of the Seventh Modified Case Management Order entered on October 16, 2024 (Doc. #176) (“Order”).¹

Specifically, Lampo asks the Court to review the following sentence in Paragraph 2 of the Order:

Given the length of time this case has been pending and the legal issues already resolved, including through appeal, the Court finds it most consistent with the directive of Fed. R. Civ. P. 1 to proceed with trial without any further dispositive motions.

As explained in Lampo’s concurrently filed memorandum of law, on July 28, 2023, Lampo timely filed a summary judgment motion that has been fully briefed by the parties and is ready for resolution. (Docs. #113-115, 121-123, 131-132). Lampo filed this summary judgment motion before the Court dismissed Plaintiff’s claims pursuant to Rule 12(b)(6) on December 13, 2023.

¹ Although Lampo has styled this motion as requesting review of a *non-dispositive* order, the Seventh Modified Case Management Order effectively denied Lampo’s timely filed and fully briefed summary judgment motion. To the extent that the Seventh Modified Case Management Order constitutes a *dispositive* order or some combination of the two, we ask the Court to consider this motion pursuant to Local Rule 72.02 and/or its inherent authority.

(Docs. #136, 137).

We believe that the Court should reinstate and resolve Lampo's summary judgment motion with respect to Plaintiff's remaining claims following appeal, rather than proceeding directly to a jury trial.²

Respectfully submitted,

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² To the extent that the Court is concerned by the fact that the vast majority of Plaintiff's claims have been dismissed since Lampo filed its summary judgment motion, we will be happy to refile a version narrowly tailored to Plaintiff's remaining claims or do anything else that would facilitate the Court's review.

CERTIFICATE OF SERVICE

I certify that, on October 30, 2024, I filed the foregoing document via the Court's electronic filing system, which will automatically notify and send a copy of the filing to:

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